

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CR-152-1-BO


No. 5:11-CR-152-2-BO

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	<u>O R D E R</u>
)	
CLAYTON KIMBRELL)	
CHRIS BARANY,)	
Defendants.)	

The court has pending before it a motion by the government requesting the Clerk to transfer these cases as related cases with the case of United States v. Trevor Reed. The issue of these cases being related arose in front of the undersigned at a sentencing hearing on Wednesday, August 29, 2012. At that time, the court, on its own notice, questioned whether these were not related cases and whether a related case request should not have been filed by the government. It is too late to cure that defect since the case of Trevor Reed was assigned to a different district judge and was tried before a jury.

In this court's opinion, the trial judge has every right and expectation to sentence the defendant in that case if the court is so inclined. As for the defendants Kimbrell and Barany, the undersigned will not agree to transfer these cases to the later in time case of the defendant Reed since the undersigned has taken the pleas and scheduled the sentencing.

This 4 day of September, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE